UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

SUSIE DOZIER, Plaintiff, v. CONVERGENT OUTSOURCING, INC.; and DOES 1 to 10, inclusive, Defendant.	Case No. **COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT ("FDCPA"), THE WASHINGTON COLLECTION AGENCY ACT ("WCAA") AND THE WASHINGTON CONSUMER PROTECTION ACT("WCPA")** **JURY TRIAL DEMANDED**

COMPLAINT AND DEMAND FOR JURY TRIAL

1. This is an action for actual and statutory damages brought by Plaintiff, Susie Dozier, an individual consumer, against Defendant, Convergent Outsourcing, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq*. (hereinafter "FDCPA"), and Washington Collection Agency Act (hereinafter "WCAA") which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff, Susie Dozier, is a natural person with a permanent residence in Centralia, Lewis County, Washington 98531.

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3. Defendants are the following:

a. Upon information and belief, Defendant, Convergent Outsourcing, Inc., is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 800 SW 39th Street, Renton, King County, Washington 98057. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

b. John Does 1-10, individuals or business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such Does played a substantial role in the commission of the acts described in this complaint.

JURISDICTION AND VENUE

4. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.

5. Jurisdiction of this court arises under 15 U.S.C. §1692k(d) , 28 U.S.C. § 1337, 28 U.S.C. § 1331, and/or 28 U.S.C. 1367.

6. Venue is proper in this jurisdiction because Defendants do business in this jurisdiction and avail themselves of the benefits of the market in this jurisdiction.

7. Venue is proper in this jurisdiction because a substantial portion of the transactions, occurrences or omissions took place in this jurisdiction.

FACTUAL ALLEGATIONS

8. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or

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services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

9. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, continued to contact and harass Plaintiff after knowing, or should have known that Plaintiff is not the alleged debtor that Defendant is looking for.

10. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, placed phone calls to Plaintiff at a time known to be inconvenient to Plaintiff, and with such frequency as to constitute harassment.

11. The natural consequences of Defendant's statements and actions were to unjustly condemn and vilify Plaintiff for her non-payment of the debt she allegedly owed.

12. The natural consequences of Defendant's statements and actions were to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

13. The natural consequences of Defendant's statements and actions were to cause Plaintiff mental distress.

14. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged debt, by harassing Plaintiff after knowing that Plaintiff is not the alleged debtor that Defendant is looking for.

COUNT ONE: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. § 1692

15. The previous paragraphs of this complaint are incorporated by reference and made a part of this action.

16. Plaintiff is a consumer as defined by the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. 1692 *et. seq.*

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17. At all relevant times in this Complaint, Defendants were acting as debt collectors as defined by the FDCPA, 15 U.S.C. § 1692a(6).

18. At all times mentioned herein, Defendants were attempting to collect on an alleged consumer debt against Plaintiff.

19. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

a. Defendant violated *§1692c(a)(1)* of the FDCPA by communicating at a time or place known or which should be known to be inconvenient to the Plaintiff; and

b. Defendant violated *§1692d* of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and

c. Defendant violated *§1692d(5)* of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly and/or continuously with the intent to annoy, abuse or harass any person at the called number; and

d. Defendant violated *§1692f* of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt.

20. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

21. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Susie Dozier, for actual damages, statutory damages, and costs and attorney fees.

COUNT TWO: VIOLATION OF WASHINGTON STATE WASHINGTON COLLECTION AGENCY ACT AND CONSUMER PROTECTION ACT

22. The previous paragraphs of this complaint are incorporated by reference and made a part of this action.

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23. Plaintiff is a debtor as defined by the Washington Collection Agency Act (WCAA), RCW 19.16.100(11).

24. At all times relevant in this Complaint, Defendants were acting as a collection agency as defined by the WCAA, RCW 19.16.100(2).

25. At all times mentioned herein, Defendants were attempting to collect on an alleged consumer debt against Plaintiff.

26. The above referenced conduct violates WCAA for the following reasons:

   a. Defendant violated RCW 19.60.250(13) by communicating with Plaintiff in such a manner as to harass, intimidate, threaten, or embarrass Plaintiff, which included communications at unreasonable hours with unreasonably frequency.

   b. Defendant's conduct violates RCW 19.16.440, which states "the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 are declared to be unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in RCW 19.86.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant, Convergent Outsourcing, Inc., for the following:

   A. Actual damages pursuant to 15 U.S.C. § 1692k, RCW 19.16 *et seq.* and/or RCW 19.86 *et seq.*

   B. Statutory damages pursuant to 15 U.S.C. § 1692k, RCW 19.16 *et seq.* and/or RCW 19.86 *et seq.*

   C. Treble damages pursuant to RCW 19.86 *et seq.*

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D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k, RCW 19.16 *et seq.* and/or RCW 19.86 *et seq.*

E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.

F. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, Susie Dozier, demands trial by jury in this action.

DATED: February 11, 2013

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